

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER A. MOORE and)	
MARY LOU MOORE ESTATE,)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-11732-MLW
)	
KINDRED HEALTHCARE OPERATING)	
INC., ET AL.,)	
Defendant.)	

MEMORANDUM AND ORDER

WOLF, D.J.

March 9, 2007

The court issued a March 14, 2006 Memorandum and Order directing that Plaintiff Christopher Moore either cause the appearance of a lawyer on behalf of the Mary Lou Moore Estate ("the Estate") within seventy-two days from the date of the Memorandum and Order or have the claims of the Estate dismissed without prejudice. The deadline was May 25, 2006. At Moore's request, the court extended the deadline to July 30, 2006.

On July 31, 2006, Moore moved for a forty-five day extension. The court did not rule on that motion. However, the requested time period has elapsed and no lawyer has yet appeared on behalf of the Estate.

Moreover, Moore has not filed a return of service for any defendant as required by Rule 4(m) of the Federal Rules of Civil Procedure and Local Rule 4.1(b) of the Local Rules of this Court. Until he has done so, this case may not proceed.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's motion for an additional forty-five days to cause counsel to appear for the Estate, (Docket No. 11), is MOOT.

2. The claims of the Mary Lou Moore Estate are DISMISSED without prejudice.

3. Moore shall, by May 7, 2007, effect service upon the defendants and file the returns of service with the court. Failure to comply will result in dismissal.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE